

THE CITY OF NEW YORK
LAW DEPARTMENT

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BY FAX

Honorable Victor Marrero
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Suite 660
New York, NY 10007

Re: Jesse Rosen v. City of New York, et al.
07-CV-6721 (VM)

Your Honor:

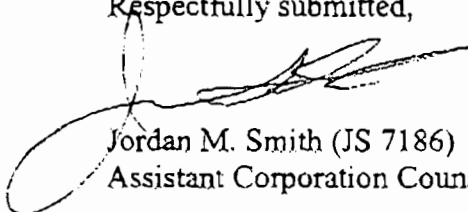
I am the Assistant Corporation Counsel assigned to the defense of the above-referenced federal civil rights case. As Your Honor may recall, this case was removed from Bronx County Supreme Court to this Court and assigned to your docket because its claims are identical to those in Jesse Rosen v. City of New York, et al., 07 Civ. 6018 (VM). I am in receipt of plaintiff's counsel's letter-motion to remand the case now assigned docket number 07 Civ. 6721 (VM) to state court. I respectfully write to request that the Court grant defendants until September 7, 2007, to file a formal response to this motion to remand.

There are several reasons for this request. First, earlier today defendants served a Rule 11 "safe harbor" letter on plaintiff's counsel requesting that he withdraw the motion to remand. We are aware of no legal basis to support plaintiff's request for remand, including the authorities he cites in the letter-motion itself. I am hopeful that after reviewing the pertinent caselaw, plaintiff will withdraw the motion, thus mooted this issue and relieving defendants from the burden of opposing the motion and the Court from having to decide it. Second, should plaintiff decide to persist with the motion, defendants request until September 7, 2007, to oppose the motion because I expect to be away during most of next week and have another motion due at the end of August.

For these reasons, defendants respectfully request that the deadline for service of opposition papers to plaintiff's motion to remand to state court be set for September 7, 2007.

Thank you for your consideration of this request.

Respectfully submitted,


Jordan M. Smith (JS 7186)
Assistant Corporation Counsel

cc: Michael Jaffe, Esq. (by fax)
Pazer & Epstein, P.C.

